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LIMITED PARTNERSHIP and SONOMA SPRINGS
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COUNSEL/PARTIES OF RECORD	
SEP 27 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

SONOMA SPRINGS LIMITED
PARTNERSHIP, a Nevada limited partnership,
and SONOMA SPRINGS ASSOCIATES, LLC,
a Nevada limited liability company,

Plaintiffs,

v.

FIDELITY AND DEPOSIT COMPANY OF
MARYLAND, a Maryland Corporation and
ZURICH AMERICAN INSURANCE
COMPANY OF ILLINOIS, a Maryland
Corporation and DOES 1-20, inclusive,

Defendants

Case No.: 3:18-CV-0021-LRH-CBC

**STIPULATION AND ORDER TO
REOPEN DISCOVERY FOR LIMITED
PURPOSES AND TO EXTEND
DEADLINE FOR PROPOSED JOINT
PRETRIAL ORDER**

(FIRST REQUEST)

Plaintiffs, SONOMA SPRINGS LIMITED PARTNERSHIP and SONOMA SPRINGS ASSOCIATES, LLC, (hereinafter collectively "Plaintiffs"), by and through their counsel of record, JAMES W. PUZEY, ESQ. and AUDREY DAMONTE, ESQ., of HOLLEY DRIGGS WALCH FINE PUZEY STEIN & THOMPSON, and Defendants, FIDELITY AND DEPOSIT COMPANY OF MARYLAND and ZURICH AMERICAN INSURANCE COMPANY OF ILLINOIS, (hereinafter collectively "Defendants") by and through their counsel of record, DAVID SLAUGHTER, ESQ., of SNOW CHRISTENSEN & MARTINEAU, agree and jointly move this Court, pursuant to Rule 6(b)(1)(A) and Local Rules 26-4 and 7-1, to reopen discovery and to extend the deadline to file a proposed Joint Pretrial Order in compliance with Local Rules 16-3 and 16-4

HOLLEY DRIGGS
WALCH FINE PUZEY STEIN THOMPSON

1 (“Joint Pretrial Order”) from September 27, 2019 to November 12, 2019. The Court ordered the
2 parties in its Order dated August 14, 2019 (ECF No. 76, p. 20:10-11, “Order”) to file the proposed
3 Joint Pretrial Order by September 27, 2019.

4 The Defendants filed their Motion for Summary Judgment on December 27, 2018 (ECF
5 No. 60, “Motion for Summary Judgment”). The Parties fully briefed the Motion for Summary
6 Judgment and on August 14, 2019, the Court entered the Order granting in part and denying in
7 part the Motion for Summary Judgment. Based on the Court’s analysis and ruling, the Parties
8 determined that additional discovery was required prior to submitting the proposed Joint Pretrial
9 Order.

10 As the Court is aware, there is a Sixth Judicial District Court case between the contractor
11 Ascent Construction, Inc. (Plaintiff/Counterdefendant) and Sonoma Springs Limited Partnership
12 (Defendant/Counterclaimant) Sonoma Springs Associates, LLC (Defendant), Case Number CV
13 21,053, Dept. II, pending before the Honorable Michael R. Montero (“State Court Case”). The
14 State Court Case involves issues that overlap issues in this action. To expedite discovery and limit
15 costs in both cases, the Parties agreed to share discovery in both the State Court Case and this
16 Federal case.

17 To date, and in the two lawsuits, twenty (20) depositions have been taken, more than 3,000
18 pages of documents have been exchanged between the parties, together with written discovery
19 including requests for admissions, interrogatories and production of documents. The fact
20 discovery deadline has passed in this action and fact discovery in the State Court Case is supposed
21 to close on October 4, 2019. . Unfortunately, there are three depositions of Ascent subcontractors
22 that remain to be taken in the State Court Case. Sonoma Springs has provided notice of the
23 depositions in that case, but due to scheduling issues, they will not be conducted until the first and
24 third weeks of October. Hence, counsel for the parties have agreed to extend discovery in the
25 State Court Case in order to conduct the three depositions.

26 Once these depositions are completed the Parties will be equipped to properly and
27 accurately identify the documents and witnesses that are required to be delineated in the proposed
28 Joint Pretrial Order.

1 Under the circumstances, including the somewhat unusual interaction of this case and the
2 State case and the agreed consolidation of discovery in the two matters, there is good cause for the
3 Parties' request (1) that discovery in this action be reopened for the limited purposes of conducting
4 the three depositions and (2) that the Parties be allowed a limited period following the completion
5 of those depositions to meet and confer to prepare and file a proposed Joint Pretrial Order with this
6 Court by November 12, 2019. The modest extension serves ultimately to save costs and time,
7 while still ensuring a just determination of this action. This is a legitimate reason as recognized by
8 Rule 1 of the Federal Rules of Civil Procedure, which states: "These rules . . . should be construed,
9 administered, and employed by the court and the parties to secure the just, speedy, and inexpensive
10 determination of . . . [the] proceeding." Since there is no trial date, no other deadlines will be
11 impacted by this extension.

12 This is the first stipulation to reopen discovery and for a related extension of time to file
13 the proposed Joint Pretrial Order and is being made in good faith and not for purpose of undue
14 delay. No additional requests for extensions are contemplated. Therefore, pursuant to Rule
15 6(b)(1)(A) and Local Rule 7-1, the Parties request that the Court reopen discovery for the limited

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1 purposes of the three depositions currently scheduled in the State court action and extend this
2 deadline for good cause to file the proposed Joint Pretrial Order to and including November 12,
3 2019.

4 **IT IS SO STIPULATED.**

5 Dated: September 24, 2019

Dated: September 24, 2019

6 **HOLLEY DRIGGS WALCH FINE**
7 **PUZEY STEIN & THOMPSON**

SNOW CHRISTENSEN & MARTINEAU

8 /s/ Audrey Damonte

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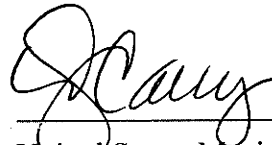
Reno, NV 89521

Attorneys for Defendants

14 **ORDER**

15 **IT IS SO ORDERED AND ADJUDGED.**

16 DATED this 27th day of September, 2019.

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United States Magistrate Judge